

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 864

Introduced by Pirsch, 4; Ashford, 20; Carlson, 38; Council, 11;
Fulton, 29; Giese, 17; Nelson, 6.

Read first time January 11, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Community Corrections Act; to amend
2 sections 47-619 and 47-624, Revised Statutes Cumulative
3 Supplement, 2008; to provide duties for the Community
4 Corrections Council regarding reporting centers; to
5 harmonize provisions; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-619, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 47-619 Sections 47-619 to 47-634 and section 3 of this
4 act shall be known and may be cited as the Community Corrections
5 Act.

6 Sec. 2. Section 47-624, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 47-624 The council shall:

9 (1) Develop standards for eligible community correctional
10 facilities and programs in which offenders can participate, taking
11 into consideration the following factors:

12 (a) Qualifications of staff;

13 (b) Suitability of programs;

14 (c) Offender needs;

15 (d) Probation population;

16 (e) Parole population; and

17 (f) Other applicable criminal justice data;

18 (2) Develop and implement a plan to establish statewide
19 operation and use of a continuum of community correctional
20 facilities and programs;

21 (3) Develop, in consultation with the probation
22 administrator and the Parole Administrator, standards for the use
23 of community correctional facilities and programs by the Nebraska
24 Probation System and the parole system;

25 (4) Develop, recommend, and review sentencing guidelines

1 for adoption by the Supreme Court as set forth in section 47-630;

2 (5) Collaborate with the Office of Probation
3 Administration, the Office of Parole Administration, and the
4 Department of Correctional Services on the development of
5 additional reporting centers as set forth in section 3 of this act;

6 ~~(5)~~ (6) Analyze and mandate the consistent use of
7 offender risk assessment tools;

8 ~~(6)~~ (7) Develop standards for eligibility of probationers
9 and parolees in certain community correctional facilities and
10 programs;

11 ~~(7)~~ (8) Educate the courts and the Board of Parole about
12 the availability and use of community correctional facilities and
13 programs;

14 ~~(8)~~ (9) Enter into contracts, if necessary, for carrying
15 out the purposes of the Community Corrections Act;

16 ~~(9)~~ (10) In order to ensure adequate funding for
17 substance abuse treatment programs for probationers, consult with
18 the probation administrator as provided in section 29-2262.07 and
19 develop or assist with the development of programs as provided in
20 subdivision (14) of section 29-2252;

21 ~~(10)~~ (11) In order to ensure adequate funding for
22 substance abuse treatment programs for parolees, consult with the
23 Office of Parole Administration as provided in section 83-1,107.02
24 and develop or assist with the development of programs as provided
25 in subdivision (8) of section 83-1,102;

1 ~~(11)~~ (12) If necessary to perform the duties of the
2 council, hire, contract for, or otherwise obtain the services of
3 consultants, researchers, aides, and other necessary support staff;

4 ~~(12)~~ (13) Study substance abuse treatment services in and
5 related to the criminal justice system, recommend improvements, and
6 evaluate the implementation of improvements;

7 ~~(13)~~ (14) Study, develop, and implement minimum standards
8 for the development and use of community correctional facilities
9 and programs;

10 ~~(14)~~ (15) Develop and implement a plan for statewide use
11 of community correctional facilities and programs;

12 ~~(15)~~ (16) Grant funds to entities including local
13 governmental agencies, nonprofit organizations, and behavioral
14 health services which will support the intent of the act; and

15 ~~(16)~~ (17) Perform such other duties as may be necessary
16 to carry out the policy of the state established in the act.

17 Sec. 3. (1) (a) The council shall collaborate with
18 the Office of Probation Administration, the Office of Parole
19 Administration, and the Department of Correctional Services in
20 developing a plan for the implementation and funding of reporting
21 centers in Nebraska.

22 (b) The plan shall include recommended locations for at
23 least one reporting center in each judicial district that currently
24 lacks such a center and shall prioritize the recommendations for
25 additional reporting centers based upon need.

1 (c) The plan shall also identify and prioritize the need
2 for expansion of reporting centers in those judicial districts
3 which currently have a reporting center but have an unmet need for
4 additional reporting center services due to capacity, distance, or
5 demographic factors.

6 (2) The council shall submit the reporting center
7 expansion plan to the chairperson of the Sentencing and Recidivism
8 Committee of the Legislature, as created in Legislative Resolution
9 171, One Hundred First Legislature, First Session, 2009, by
10 December 1, 2010. The plan shall be implemented as state funding
11 allows until each judicial district has at least one reporting
12 center.

13 Sec. 4. Original sections 47-619 and 47-624, Revised
14 Statutes Cumulative Supplement, 2008, are repealed.